

C O P Y 259c

Open

1958

August 20

Mr. Leonard S. Hill
Comptroller
Department of Administration and Control
State House
Concord, New Hampshire

Dear Mr. Hill:

This will acknowledge your letter of July 28, 1958 in which you request our opinion as to the authority of state agencies and institutions to reimburse or pay their employees for property such as clothing and watches which are damaged or destroyed by unruly patients or inmates while the employee is on duty. The Workmen's Compensation Act (RSA 281:28) provides that employees shall be reimbursed for the value of glasses, false teeth, an artificial member or hearing aids which have been destroyed during the course of employment. You state that the manual of procedure provides that payment will be authorized for damage to personal property in the course of employment as provided in RSA 281. You further state that in the event of damage arising out of the course of employment to property of an employee, other than the four categories enumerated in section 28, the usual procedure has been for the agency concerned to request permission from the Comptroller for deviation from the manual regulations and that if such permission is granted the agency then replaces such property for the employee.

It seems obvious that the legislature intended compensation for loss of property of the state employee occasioned to by his employment to be governed solely by the Workmen's Compensation Act. In this connection it is well to note that prior to 1947 the Act provided compensation for loss of property only in case of injury to glasses, false teeth or an artificial member. In the general revision of the Act, passed by the 1947 Session of the Legislature, hearing aids were added to the covered categories. Thus we have further indication of the legislative intent to limit compensation for loss of property to the four categories enumerated in section 28 of the Act.

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Mr. Leonard S. Hill

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It is therefore our opinion that no state agency or institution is authorized to reimburse a state employee for loss of or damage to property occasioned by the employment unless it is property of one of the four kinds enumerated in section 28 in the absence of some item in such agency's budget which specifically makes provision for reimbursement for loss of other kinds of property by its employees.

Sincerely yours,

John J. Zimmerman
Assistant Attorney General

JJZ/lt